

REMARKS

Claims 1-13, 15-17, 20-27, and 29-38 were presented for examination in the present application. The instant amendment adds new claim 39. Thus, claims 1-13, 15-27, and 29-39 are presented for examination in the present application. Claims 1, 34, 35, and 39 are independent.

Applicants wish to thank the Examiner for his time to review and discuss the outstanding rejections in the present application.

Claims 1-13, 15-27, and 29-38 were rejected under 35 U.S.C. §103 over any one of U.S. Patent Nos. 4,790,574 to Wagner et al. (Wagner), 3,944,265 to Hiemstra et al., 5,131,698 to Calmettes (Calmettes), 5,383,496 to Bridges (Bridges '496), 4,049,298 to Foti (Foti) and 5,362,107 to Bridges (Bridges '107) in view of Brandram.

Independent claim 1 has been amended to recite, in part, that the sliding crosspiece "molds to the segment under the effect of a tightening pressure imparted by said spreading prevention means so that said sliding crosspiece compensates for difference in tolerances between the first and second ends (emphasis added)".

The Office Action acknowledges that Wagner, Hiemstra, Calmettes, Bridges '496, Foti and Bridges '107 fail to disclose or suggest the claimed sliding crosspiece. Rather, the Office Action asserts that Brandram discloses the claimed sliding crosspiece.

Applicants respectfully submit that Brandram discloses a bridge piece or metal plate that is coated with bitumen, where a band is drawn tightly around the pipes so that a considerable pressure is exerted upon the bitumen so that the bitumen is forced into the surface of the pipes so that perfect adhesive between the pipes and bitumen is obtained. See page 2, lines 20-25.

Thus, Brandram relies on the molding of the bitumen to compensate for variances in the surface of the pipe and not the bridgepiece. As such, Brandram fails to disclose or suggest the claimed crosspiece that molds and compensates as in claim 1.

In addition, independent claim 1 recites, in part, that the clamping band is “configured to mate over a segment where said first end overlaps said second end”

Applicants respectfully submit that the cited art fails to disclose or suggest the use of the sliding crosspiece in combination with a clamping band that is configured to mate over a segment of overlapped pipe ends as claimed.

Applicants respectfully submit that Calmettes, Bridges '496, Bridges '107, and Brandram are all directed to couplings that connect pipes abutted ends, but not overlapped pipe ends.

More particularly, Calmettes is directed to a device for sealing two smooth tubes of the same diameter. See col. 1, lines 28-34. Bridges '496 is directed to a coupling for sealing leak locations between adjacent pipe ends. See col. 1, lines 19-23. Bridges '107 is directed to a coupling for sealing leak locations between adjacent pipe ends. See col. 1, lines 16-19. Brandram is applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface. See lines 20-30.

Thus, Calmettes, Bridges '496, Bridges '107, and Brandram all fail to disclose or suggest, alone or in combination, the claimed clamping band that is configured to mate over a segment of overlapped pipe ends.

Wagner, Foti and Hiemstra each disclose clamps or couplings configured to join overlapped pipes. However, the Office Action acknowledges that Wagner, Hiemstra, and Foti fail to disclose or suggest a gap being saddled by a sliding crosspiece. Rather, the Office Action asserts that Brandram discloses a sliding crosspiece.

However, Brandram discloses that its bridge piece or metal plate with bitumen combination is only is applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface (emphasis added). See page 1, lines 20-30.

In sum, Applicants submit that there is no teaching, suggestion, or motivation in the cited art to use a bridge piece or metal plate as in Brandram in combination with overlapped joints as in Wagner, Foti and Hiemstra.

Further, there is no expectation that one could successfully modify the overlapped joints as in Wagner, Foti and Hiemstra to include the bridge piece or metal plate as in Brandram.

Finally, the necessary modification to Brandram proposed by the Office Action is to use the sliding crosspiece with overlapped joints. However, Brandram specifically discloses the sliding cross pieces only being applicable to pipes with butt ends, or with rabbeted ends. Thus, the necessary modification to Brandram proposed by the Office Action would render the device of Brandram unsuitable for its intended purpose.

Accordingly, Applicants submit that none of the cited art discloses or suggests molding a sliding crosspiece such that the crosspiece itself compensates for difference in tolerances between the first and second ends of overlapped pipes of claim 1.

For at least the reasons set forth above, it is respectfully submitted that there is simply no motivation to combine any of the primary references with Brandram to result in the combinations of amended claim 1. Thus, claim 1, as well as dependent claims 2 through 13, 15 through 17, 20 through 27, 29 through 33 that depend therefrom are patentable over the cited art. Reconsideration and withdrawal of the rejections are respectfully requested.

Independent claim 34 has been amended to recite, in part, that the clamping

band has "a stepped arrangement so that the clamping band is configured to mate over a segment where said first end overlaps said second end (emphasis added)". Thus, the stepped clamping band of claim 34 is configured to mate over a segment of overlapped pipe ends using a sliding crosspiece.

Applicants submit that none of the cited are, alone or in combination, discloses or suggests the use of a stepped clamping band used in combination with a sliding crosspiece when trying to seal pipes with overlapped joints.

Calmettes, Bridges '496, Bridges '107, and Brandram are all directed to couplings that connect pipes abutted ends, but not overlapped pipe ends and, thus, clearly fail to disclose or suggest the claimed stepped arrangement.

Wagner, Foti and Hiemstra each disclose clamps or couplings configured to join overlapped pipes. However, the Office Action acknowledges that Wagner, Hiemstra, and Foti fail to disclose or suggest a gap being saddled by a sliding crosspiece.

Rather, the Office Action asserts that Brandram discloses the claimed sliding crosspiece and that it would be obvious to combine the bridge piece of Brandram with Wagner, Foti and Hiemstra.

Again, Brandram discloses that its bridge piece or metal plate with bitumen combination is only is applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface (emphasis added). See page 1, lines 20-30. Thus, the proposed modification of Brandram (namely the use of the sliding crosspiece with the overlapped joints of Wagner, Foti and Hiemstra) would render the device of Brandram unsuitable for its intended purpose, as Brandram specifically disclosed its use only with butt or rabbeted ends.

For at least the reasons set forth above, it is respectfully submitted that there is simply no motivation to combine any of the primary references with Brandram to result

in the combinations of amended claim 34. Thus, claim 34 is patentable over the cited art. Reconsideration and withdrawal of the rejections are respectfully requested.

Independent claim 35 has been amended to recite, in part, that the sliding crosspiece has “a stepped impression that, prior to assembly, extends only over a part of a perimeter of said sliding crosspiece, and wherein said sliding crosspiece, prior to assembly, is essentially flat along a remaining part of said perimeter (emphasis added)”.

Again, the Office Action acknowledges that Wagner, Hiemstra, Calmettes, Bridges '496, Foti and Bridges '107 fail to disclose or suggest the claimed sliding crosspiece. Rather, the Office Action asserts that Brandram discloses the claimed sliding crosspiece.

Brandram clearly discloses that its bridge piece or metal plate with bitumen combination is only applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface (emphasis added). See page 1, lines 20-30.

As such, there is simply no teaching, suggestion, or motivation to provide the bridge piece with the stepped impression of amended claim 35. Moreover, Applicants submit that modifying the bridge piece of Brandram, which relies on the bitumen for compensation of the pipe ends, to include such stepped impression of amended claim 35 would clearly render the bridge piece of Brandram unsuitable for its intended purposes.

For at least the reasons set forth above, it is respectfully submitted that there is simply no motivation to combine any of the primary references with Brandram to result in the combinations of amended claim 35. Thus, claim 35, as well as claims 36-38 that depend therefrom, are patentable over the cited art. Reconsideration and withdrawal of the rejections are respectfully requested.

Independent claim 39 has been added to point out various aspects of the present application. Claim 39 is believed to be in condition for allowance. Claim 39 recites, in pertinent part, the step of "applying a tightening pressure so that said sliding crosspiece molds to said segment where said first end overlaps said second end and compensates for difference in tolerances between said first and second ends (emphasis added)".

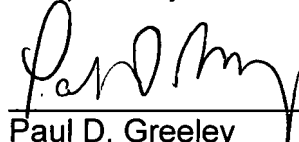
Applicants submit that none of the cited art discloses or suggests the claimed application of tightening pressure to mold a sliding cross piece and compensate for difference in tolerances in overlapped pipe ends.

It is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

October 31, 2007

Respectfully submitted,



Paul D. Greeley
Registration No. 31,019
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500